

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
-v- : 22cr175 (DLC)
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ERIK MARTINEZ, : ORDER
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Defendant. :
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DENISE COTE, District Judge:

On June 30, 2022, this Court denied the defendant's motion to suppress evidence gathered from a search of his person, and denied the defendant's request for a hearing on that motion. On September 23, the defendant submitted a letter again requesting a hearing on the motion, and requesting a conference to discuss whether the Court would be amenable to a conditional plea deal that would allow the defendant to appeal the June 30 ruling.

See Fed. R. Crim. P. 11(a)(2) ("With the consent of the court and the government, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right to have an appellate court review an adverse determination of a specified trial motion.").

An evidentiary hearing on a motion to suppress is required "if the moving papers are sufficiently definite, specific, detailed, and nonconjectural to enable the court to conclude that contested issues of fact going to the validity of the

search are in question." United States v. Kirk Tang Yuk, 885 F.3d 57, 77 (2d Cir. 2018) (citation omitted). As explained in the June 30 Opinion, the defendant had not identified any fact that was in dispute and material to his motion to suppress.

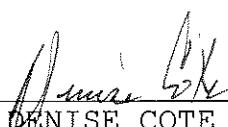
United States v. Martinez, 22CR00175, 2022 WL 2384156, at *3 (S.D.N.Y. June 30, 2022). Additionally, the September 23 letter does not mention any factual dispute material to the motion. Accordingly, it is hereby

ORDERED that the defendant's request for a hearing is denied.

IT IS FURTHER ORDERED that the defendant's request for a conference is denied. The Court is amenable to a conditional plea, pursuant to an agreement between the parties, that would allow the defendant to appeal the June 30 ruling.

SO ORDERED:

Dated: New York, New York
September 26, 2022


DENISE COTE
United States District Judge